

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 5496 (Substitute S-1 as reported)
Sponsor: Senator Gary A. Newell
Committee: Judiciary

CONTENT

The bill would amend the Emergency Management Act to allow the Governor to declare a Heightened State of Alert if there were good cause to believe that terrorists or members of a terrorist organization were within the State or that acts of terrorism could be committed in Michigan or against a vital resource. If the Governor did so, he or she could exercise powers granted to him or her under the Act during a declared State of Disaster or State of Emergency. A Heightened State of Alert would continue until the Governor found that the threat or danger had passed, the Heightened State of Alert had been dealt with to the extent that conditions requiring it no longer existed, or until it had been in effect for 60 days. After 60 days, the Governor would have to terminate the Heightened State of Alert, unless a request for an extension for a specific number of days was approved by resolution of both the Senate and the House. Disobeying or interfering with the implementation of a rule, order, or directive issued by the Governor would be a misdemeanor. The bill also would do all of the following:

- Extend from 14 to 28 days the maximum period of a State of Disaster or State of Emergency, before it must be terminated or extended by resolution of the Legislature.
- Allow the Director of the Department of State Police, with the Governor's concurrence, to amend a State of Disaster, State of Emergency, or Heightened State of Alert declaration.
- Allow the Emergency Management Division of the Department of State Police to propose and administer statewide mutual aid compacts and agreements.
- Specify that, for certain purposes under the Act, the judicial branch of the State would be considered a department of State government.
- Require some public colleges or universities to appoint an emergency management coordinator and allow others to do so.
- Allow Federally recognized Tribal Nations to be included in local mutual or reciprocal aid agreements, and extend those agreements to serious threats to public health and safety.
- Repeal a section providing for the Michigan Emergency Management Advisory Council.

MCL 30.403 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local law enforcement. It is likely that public universities and local governments already have sufficient designated emergency management administrative personnel to handle the new responsibilities.

There are no data to indicate how many people would be convicted of disobeying an executive rule, order, or directive issued under a Heightened State of Emergency. Offenders convicted of a misdemeanor would serve up to 90 days in a local facility and/or pay a fine of up to \$100. Local units would incur the costs, which vary by county from \$27 to \$65 per day. Libraries would receive all additional penal fine revenue.

Date Completed: 2-25-02

Fiscal Analyst: Bruce Baker/Bill Bowerman/Bethany Wicksall

